

Both lots were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On November 8, 1943, no claimant having appeared for the product in the Washington lot, judgment of condemnation was entered and the product, including all display cartons and circulars, was ordered destroyed. On May 22, 1944, Balanced Foods, Inc., New York, N. Y., claimant, having admitted the allegations of the libel against the New York lot, judgment of condemnation was entered and the product in that lot was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1123. Misbranding of vitamin tablets. U. S. v. 102 Bottles of Curley Cal-Pans Vitamins and 102 Bottles of Curley Bu-T-Caps Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 10013. Sample Nos. 20488-F, 20489-F.)

On May 27, 1943, the United States attorney for the District of Massachusetts filed a libel against 102 bottles of Curley Cal-Pans Vitamins and 102 bottles of Curley Bu-T-Caps Vitamins, each bottle containing 30 tablets, at Boston, Mass., alleging that the articles had been shipped on or about April 21, 1943, from Philadelphia, Pa., by the Curley Distributing Co.; and charging that they were misbranded. The articles were labeled in part: (Cal-Pans) "Calcium Pantothenate 10 Mgm. each"; (Bu-T-Caps) "Vitamin A . . . 5,000 USP Units Vitamin D (Viosterol) . . . 1,000 USP Units Vitamin C (Ascorbic Acid) . . . 500 USP Units Vitamin B₁ (Thiamin Chloride) . . . 500 USP Units Vitamin B₂ (Riboflavin) . . . 1,000 Gamma Vitamin B₆ (Pyridoxine) . . . 200 Gamma Calcium Pantothenate . . . 1,000 Gamma Nicotinic Acid . . . 20 Mgm."

The Cal-Pans Vitamins were alleged to be misbranded in that certain statements appearing on a display card entitled "Does Gray Hair Worry You?" and in circulars entitled "VITAMINS The Way to Health and Beauty," and "Big Profits for Beauty Shops," were false and misleading since they represented and suggested that the article was effective in preventing the graying of hair or in restoring the natural color to gray hair, whereas it was not so effective.

The Bu-T-Caps Vitamins were alleged to be misbranded because of false and misleading statements appearing on the display card and in the circulars, which represented and suggested that the article was effective in insuring good health, beauty, and good complexion, or in preventing and correcting such disease conditions or abnormalities as poor teeth, retardation of growth, skin lesions, dry and wrinkled skin, brittle nails, lifeless hair, loss of appetite, liver and kidney ailments, susceptibility to infections, boils, abscesses, night blindness, body malformation, fatigue, loss of appetite, alimentary tract disfunctions and resultant anemia, neuritis, alcoholic neuritis, beriberi and pellagra, irritability and nervousness, palpitation and enlarged heart, murmurs, difficult breathing, malnutrition, retarded convalescence, fragile bones, anemia, scurvy, and rickets.

The articles were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On July 26, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1124. Misbranding of DPS Formulae. U. S. v. 11 Bottles of DPS Formula 52, 16 Bottles of DPS Formula 57, 12 Bottles of DPS Formula 58, 11 Bottles of DPS Formula 61, 9 Packages of DPS Formula 66, 7 Bottles of DPS Formula 81, 25 Bottles of DPS Formula 100, 4 Bottles of DPS Formula 103, and 3 Bottles of DPS Formula 105. Default decree of condemnation and destruction. (F. D. C. No. 10098. Sample Nos. 15357-F to 15360-F, incl., 36122-F to 36126-F, incl.)

On June 25, 1943, the United States attorney for the District of Colorado filed a libel against the above-mentioned quantities of DPS Formulae at Denver, Colo., alleging that the articles had been shipped from the Dartell Laboratories, Los Angeles, Calif., from on or about March 23 to May 8, 1943; and charging that they were misbranded.

The DPS Formula 52 was labeled in part: "Ingredients: Fish Liver Oil concentrate, Soya oil containing lecithin, Wheat germ oil, mixed natural tocopherols, treated linseed oil containing the fatty unsaturates, principally linoleic and linolenic acids * * * Each perle contains not less than Vitamin A . . . 5000 U. S. P. Units. Vitamin E (a-tocopherol activity) 5000 Gammas with 200 Mg. free fatty acids of linseed oil (flaxseed oil) principally linoleic the linolenic acids." It was alleged to be misbranded in that the name "DPS